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From: Wendy W. Koba

Attention: Dung T. Nguyen

Pages including cover sheet: 6

Fax No.: 703-872-9306

Date: February 12, 2004

Re: Serial No. 09/826,237

☒ Urgent ☐ Please review ☐ Please Comment ☐ Please Reply ☐ For your information

Case Name: Capasso 65-104-1-19-28-7-34-13

Serial Number: 09/826,237

Filing Date: April 4, 2001

Group Art Unit: 2828

Examiner: Dung T. Nguyen

Title: Technique for Measuring Intersubband Electroluminescence in a Quantum Cascade Laser

In response to a Notice of Non-Compliant Amendment dated January 13, 2004, attached please find the following documents:

1. Transmittal Form (1 page)
2. Certificate of Transmssion under 37 CFR 1.8 (1 page)
3. Correct Section of Non-Compliant Amendment

Respectfully submitted,

Wendy W. Koba
Wendy W. Koba, Esq.

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/826,237
	Filing Date	April 4, 2001
	First Named Inventor	Capasso
	Art Unit	2828
	Examiner Name	Jeffrey N. Zahn
	Attorney Docket Number	26-104-1-19-28-7-34-13
Total Number of Pages in This Submission		

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Endorsement(s) (please identify below): 1. Fax cover sheet. 2. Cert. of transmission under
Remarks _____		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Wendy W. Koba	
Signature	Wendy W. Koba	
Date	2/12/04	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Wendy W. Koba		
Signature	Wendy W. Koba	Date	2/12/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/97 (08-03)

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Certificate of Transmission under 37 CFR 1.8

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Date

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1. Fax Cover Sheet
2. Corrected Section of Non-Compliant Amendment

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Capasso 65-104-1-19-28-7-34-13

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Patent Application

Inventor(s) Federico Capasso et al.

Case 65-104-1-19-28-7-34-13

Serial No. 09/826,237

Group Art Unit 2828

Filing Date April 4, 2001

Examiner Jeffrey N. Zahn

Title Technique for Measuring Intersubband Electroluminescence in
a Quantum Cascade LaserCOMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

SIR:

CORRECTED SECTION OF NON-COMPLIANT AMENDMENT

In response to a Notice of Non-Compliant Amendment (37 CFR 1.121) dated January 13, 2004 (application Paper No. 11), attached please find a corrected copy of item #4, "amendments to the claims", presenting claims 1-7 that have been cancelled.

With this correction, applicants believe that the amendment is now compliant with the provisions of 37 CFR 1.121, and respectfully request the Examiner to review the amendment in its entirety and allow this case to pass to issue.

Respectfully submitted,

Federico Capasso et al.

By: Wendy W. KobaWendy W. Koba
Attorney for applicants
Reg. No. 30509
610-346-7112Date: 2/12/04